

**2015**

**Idaho State Department of Education**

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# **Assessment & Accountability FAQ**

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## Why does the State of Idaho test students?

Idaho, along with all states and commonwealths of the United States, are required to assess students' academic proficiency for accountability purposes, in order to receive federal funding towards education. This mandate for academic progress is outlined in the No Child Left Behind (NCLB) Act of 2001, which is a reauthorization of the Elementary and Secondary Education Act (ESEA), first implemented in 1965. The ESEA Act was passed as part of President Lyndon B. Johnson's "War on Poverty," to ensure equal access to education for all students, regardless of student demographic, and to establish high standards, as well as, holding schools/districts accountable for the funding which is received.

## Testing Acronyms

<i>ASSETS</i>	Assessment Services Supporting ELs through Technology Systems	<i>NCSC</i>	National Center and State Collaborative Consortium
<i>ERI</i>	Extended Reading Intervention	<i>PIRLS</i>	Progress in International Reading Literacy Study
<i>ESEA</i>	Elementary and Secondary Education Act	<i>PISA</i>	Program for International Student Assessment
<i>IELA</i>	Idaho English Language Assessment	<i>ORS</i>	Online Reporting System
<i>IPASS</i>	Individual Portfolio Artifact Submission System	<i>TIDE</i>	Test Information Distribution Engine
<i>IRI</i>	Idaho Reading Indicator.	<i>TDS</i>	Test Delivery System
<i>IRI Alt</i>	Idaho Reading Indicator Alternate Assessment	<i>TIMSS</i>	Trends in International Mathematics and Science Study
<i>ISAT/ISAT by Smarter Balanced</i>	Idaho State Achievement Test	<i>WIDA</i>	World-Class Instructional Design and Assessment
<i>NAEP</i>	National Assessment Educational Progress		

## How much time is required for testing for each assessment?

### Idaho Comprehensive Balanced Assessment System

#### Student Time Required for State Required Testing

*(Any assessments outside of those indicated below are provided by the district and are not state or federally required)*

Grade	ISAT Science/EOC	ISAT by Smarter Balanced (Both Math and ELA)	IRI	IELA	College Entrance Exam (SAT)	NAEP TIMSS PISA (minutes)	Student Testing Minutes	Total of all Testing Hours	Mandated Hours of Instruction	Testing % of Mandated Hours	Testing Minutes per Mandated Hour	Teaching Minutes per Mandated Hour
K	N/A	N/A	10 min.	65 min.	N/A	N/A	75	1.25	450	0.28%	0.17	59.83
1	N/A	N/A	10 min.	80 min.	N/A	N/A	90	1.3	810	0.16%	0.11	59.89
2	N/A	N/A	10 min.	80 min.	N/A	N/A	90	1.3	810	0.16%	0.11	59.89
3	N/A	420 min.	10 min.	120 min.	N/A	N/A	550	9	810	1.11%	0.68	59.32
4	N/A	420 min.	N/A	120 min.	N/A	90 min.	630	10.3	900	1.14%	0.70	59.3
5	90 min.	420 min.	N/A	120 min.	N/A	N/A	630	10.3	900	1.14%	0.70	59
6	N/A	438 min.	N/A	140 min.	N/A	N/A	578	10	900	1.11%	0.64	59.36
7	90 min.	438 min.	N/A	140 min.	N/A	N/A	668	11.13	900	1.24%	0.74	58.96
8	N/A	438 min.	N/A	140 min.	N/A	90 min.	668	11.13	900	1.24%	0.74	59.26
9	N/A	498 min.	N/A	140 min.	N/A	N/A	638	11	990	1.11%	0.64	59.36
10	*90 min.	498 min.	N/A	140 min.	N/A	N/A	728	12.13	990	1.23%	0.74	58.99
11	*90 min.	498 min.	N/A	140 min.	225 min.	N/A	953	16	990	1.62%	0.96	58.86
12	*90 min.	N/A	N/A	140 min.	N/A	90 min.	320	5.3	990	0.54%	0.32	59.49

\* = Tested once in any of the specified grades after student has completed course.

Testing is optional in specified grade

Total minutes are calculated based on student taking all assessments in specified grade.

IRI is given twice a year, fall and spring, each benchmark period cannot be any longer than 10 min. per student

Note:

The statistics in this table assume that Idaho students at a given grade level take every test administered at that grade level. However, this is not the case. Consider, for example, that only identified LEP students take the IELA. Moreover, the IELA has Level 1 and Level 2 forms for grades 1-12 that have different administration times; the Level 2 administration time is listed in the table. Note that only a random sample of students randomly selected Idaho schools take part in the NAEP assessments. Students spend 225 on SAT, but 205 on ACT or 135 on Compass. Students select which college entrance exam they want to assess on; however, the state will only pay for the SAT.

## What tests might my child take at each grade level?

- *ISAT by Smarter Balanced ELA & Math*
  - Grades 3-8 & 10 (9<sup>th</sup> & 11<sup>th</sup> optional)
- *ISAT Science & EOC's*
  - Grades 5, 7, and High School
- *EOC (Biology or Chemistry)*
  - Grades 10-12 (required to take once)
- *ISAT Science Alternative Assessment*
  - Grades 5, 7, and 10
- *NCSC (Alternate Assessment) ELA & Math*
  - Grades 3-8 and 11
- *IELA (Idaho English Language Assessment)*
  - Grades K-12
- *PSAT (Preliminary SAT Exam)*
  - Grade 10
- *SAT (College Entrance Exam)*
  - Grade 11
- *IRI (Idaho Reading Indicator)*
  - Grades K-3
- *IRI (Idaho Reading Indicator) Alternative Assessment*
  - Grades K-2
- *NAEP (National Assessment of Educational Progress)*
  - Grades 4, 8, and 12

## How do I find out when tests are administered?

Assessment	2014-2015 Testing Dates/Windows
Assessment Monitoring	Due April 15, 2015
IELA	February 18 – March 31, 2015
IRI, Fall	August 18 – September 26, 2014 (Optional Winter Testing: January-February, 2015)
IRI, Spring	April 1 – May 1, 2015
IRI Alt.	April 1 – May 1, 2015
NCSC Alt. Assessment Math & ELA	<b>NCSC Alt. Operational ELA/Math</b> March 30 – May 15, 2015
ISATs by Smarter Balanced, Math & ELA	March 30 – May 22, 2015
ISAT Retakes, Spring Only	March 30 – May 22, 2015
ISAT – Science & High School EOC	March 30 – May 22, 2015
ISAT Alt Science	October 15, 2014 – February 28, 2015
NAEP	January 26 – March 6, 2015
PSAT	October 15, 2014
SAT	April 15, 2015

## Are parents allowed to “opt” their child out of testing?

No. Idaho does not have an “opt out” clause that allows parents to opt their children out of testing.

- Idaho Code 08.02.03.04
  - *Testing Population.* All students in Idaho public schools, grades kindergarten through twelve (K-12), are required to participate in the comprehensive assessment program approved by the State Board of Education and funded.
  - *Content.* The comprehensive assessment program will consist of multiple assessments, including, the Idaho Reading Indicator (IRI), the National Assessment of Educational Progress (NAEP), the Idaho English Language Assessment, the Idaho Standards Achievement Tests (ISAT), the Idaho Alternate Assessment, and a college entrance exam.
- No Child Left Behind (NCLB) Code § 1111 (b) (2))
  - Ensures ALL students, including in subgroups, are moving toward proficiency
  - Participation in statewide assessments (*go to [page 6](#) for more information on participation*)
    - NCLB and Idaho’s ESEA Waiver requires Idaho to test 95% of all students and 95% of students in each sub-group.
- State of Idaho Office of Attorney General Letter: Parent Refusal. (Full letter available in the Appendix)

## State/Federal Assessment Statutes

### *ISAT by Smarter Balanced/ISAT Science*

- NLCB Code Public Law 107-110 (*No Child Left Behind Act of 2001*)
- Idaho Code 08.02.03.11.06.a - 111.06.l
- IDAPA08.02.02.120.03 & 08.12.02.121.03
- Idaho Code 08.02.03.11.06.a - 111.06.l

### *NCSC/ISAT Alt*

- As required by IDEA 1997 and NCLB 2006
- Idaho Code 08.02.03.11.06.a - 111.06.l

### *IELA*

- Federal Code Title III, Sec. 3113(b)(2), Sec. 3116(b)(3)
- State Code Title: 08.02.03.004.04

### *IRI*

- Idaho Code 33-1614 - 33-1616

### *NAEP*

- Idaho Code 08.02.03.111

### *College Entrance (SAT)*

- Idaho Code 08.02.03.105.03

## Is my students' personal Identifiable information provided to the Federal Government before, during, or after testing?

No.

[Idaho Senate Bill 1372](#) (Student Data Accessibility, Transparency and Accountability Act of 2014) states the Legislature intent is to help ensure that student information is safeguarded and that privacy is honored, respected, and protected. The Legislature firmly believes that while students information is important for educational purposes, it is also critically important to ensure that student information is protected, safeguarded, and kept private and used only by appropriate educational authorities and then, only to serve the best interests of the student.

[FERPA law – 33 CFR 99.30](#) (Family Educational Rights and Privacy Act) states an educational agency cannot disclose any personally identifiable information without the consent of a parent or eligible student. Therefore, neither the state nor a local district or any other educational entity can disclose personally identifiable information about students.

## What is the Smarter Balanced Assessment Consortium?

Smarter Balanced was a state-led consortium working collaboratively to develop assessments aligned to the [Common Core State Standards \(CCSS\)](#) that accurately measure student progress toward college and career readiness. The Consortium involves educators, researchers, policymakers, and community groups in a transparent and consensus-driven process to help all students thrive in a knowledge-driven global economy. The Consortium's projects are funded through a four-year, \$175 million grant from the U.S. Department of Education and generous contributions of charitable foundations.

## What assessments are students required to graduate?

- Both components are required to generate a score: CAT and PT
- Grade 11, optional (2015), but highly advisable

	Presented in August 2014	New Math/ELA Proposal (Under Review)	New Science Proposal (Under Review)
<b>Class 2017</b>	Participate	Participate	Participate
<b>Class 2018</b>	Pass at 9 <sup>th</sup> grade level	Participate	Participate
<b>Class 2019</b>	Pass at 10 <sup>th</sup> grade level	Pass at 11 <sup>th</sup> grade level 3 (Proficient)	Proficient in Biology or Chemistry
<b>Class 2020</b>	Pass at 11 <sup>th</sup> grade level 3 (Proficient)		

## **State Assessments**

### **Alternate Assessment**

The alternate assessment is designed to assess students with the most significant cognitive disabilities who meet very specific guidelines. Due to the nature of their disabilities, students who meet these guidelines are most likely unable to fully participate in the general assessment, even with accommodations.

- *Why do we have an ISAT Alt.?*
  - *The Individuals with Disabilities Education Act of 1997 (IDEA)*
  - *No Child Left Behind Act of 2001 (NCLB)*
  - *Federal Mandate that every student with a disability participate in statewide and local assessments*
- *What alternate assessments will be given this year?*
  - Grades K-2: IRI Alt
  - Grades 3-8 and 11: National Center and State Collaborative (NCSC) Alternate Assessment in ELA/Math
  - Grades 5, 7 and 10: ISAT Alt Science Portfolios

For more information please go to the [ISAT-Alt webpage](#).

### **College Entrance Exam**

To encourage students to go on to a post-secondary institution, the Idaho Board of Education put into Idaho Code a College Entrance Exam Requirement (IDAPA 08.02.03.105.03), for all Idaho juniors. To aid students in meeting this requirement, the state funds an administration of the SAT, each Spring, during a regular school at the students' high school.

For more information please go to the [College Entrance Exam webpage](#).

### **IELA**

The Idaho Language Proficiency Assessment (IELA) is a federally mandated assessment for all students served in a Limited English Proficiency (LEP) program. The IELA is administered annually every spring and calculates growth and proficiency in the English language for each student assessed. All districts that serve LEP students are held accountable to these growth and proficiency measures on the IELA for their LEP students. Accountability is determined through Annual Measurable Achievement Objectives (AMAOs), which each district must meet.

For more information please go to the [IELA webpage](#).

### **IRI**

The Idaho Reading Initiative, enacted by the Idaho Legislature, was designed to ensure that all children in the State of Idaho will master the skills they need to become successful readers. Endless research-based studies show reading skills are directly related to a child's success in school. It is our goal as the State Department of Education to work with schools, teachers, and administrators to promote students' reading success! Idaho Statute 33-1614 requires K-3 students in Idaho to be assessed as they develop critical reading skills. The purpose of the assessment, the Idaho Reading Indicator (IRI), is to indicate which children are most likely going to be at-risk of failure with skills that are prerequisite for being successful readers throughout life. As is written in the statute, the state K-3 assessment test results shall be reviewed by school personnel for the purpose of providing necessary interventions to sustain or improve the students' reading skills.

For more information please go to the [IRI webpage](#).

### **ISAT**

The ISAT is an important component of the statewide student assessment system as stated in the board rule 08.02.03-Rules Governing Thoroughness. The ISAT is administered to students to provide ongoing monitoring of individual, school, district, and state progress.

Academic proficiency is more than test scores. Competency in reading, language usage, mathematics, and science is the goal for every child. In accordance with No Child Left Behind, the ISATs measures proficiency in three key areas: English Language Arts, mathematics, and science.

For more information please go to the [ISAT webpage](#) or ISAT by [Smarter Balanced webpage](#).

### **NAEP**

The National Assessment of Educational Progress (NAEP), also known as the "Nation's Report Card," is the only nationally representative and continuing assessment of what America's students know and can do. Its major goals are to measure student achievement and to report change in performance over time. NAEP provides results for the nation and for the states, but does not provide scores for Idaho school districts, schools, classrooms, or individual students.

For more information please go to the [NAEP webpage](#).

## How can parents, students, and teachers know what knowledge and skills will be tested?

- [Idaho Core Standards](#): ELA and Math
- [IELA](#): English proficiency
- [IRI](#): Fluency of letter names, sounds, grade level text (Reading Curriculum Based Measure)
- [ISAT](#): Grade Level state standards
- [NAEP](#): What American students know and can do
- [SAT](#): College Readiness

## Appeals

### Participation

#### Will there be state consequences if 95% participation is not met? Will there be federal consequences?

- Idaho Code 08.02.03.04.b.i (Participation Rate)
- Failure to include ninety-five percent (95%) of all students and ninety-five percent (95%) of student in designated subgroups automatically identifies the school as not having achieved AYP and a reduction in star rating.
- The ninety-five percent (95%) determination is made by dividing the number of students assessed on the Spring ISAT by the number of students reported on the class roster file for the Spring ISAT. (3-20-04)
  - If a school district does not meet the ninety-five percent (95%) participation target for the current year, the participation rate can be calculated by the most current three (3) year average of participation.
  - Students who are absent for the entire state-approved testing window because of medical reasons or are homebound are exempt from taking the ISAT if such circumstances prohibit them from participating. Students who drop out, withdraw, or are expelled prior to the beginning of the final makeup portion of the test window are considered exited from the school.
- No Child Left Behind requires all public schools receiving federal funding to administer a state-wide standardized test annually to all students. (States must create AYP objectives consistent with the following requirements of the law.)
  - At least 95% of each group must participate in state assessments.

### Graduation Rate

#### What is the adjusted four-year cohort graduation rate and how is it calculated?

- Per the final federal regulations, a four-year adjusted cohort graduation rate is defined as: The number of students who graduate in four years with a regular high school diploma divided by the number of students who entered high school four year earlier, while adjusting for transfer students, those student who emigrated or are deceased.
- The following formula provides an example of the four-year graduation rate for the cohort entering 9th grade for the first time in the fall of the 2010-2011 school year and graduating by the end of the 2013-2014 school year.

# of cohort members who earned a regular high school diploma by the end of the 2013-2014 school year

# of first-time 9th graders in fall 2010 (starting cohort) + students who were part of the cohort who transferred in, - (minus) students who transferred out, emigrated, or died during school years 10-11, 11-12, 12-13, and 13-14

#### How was Idaho's graduation rate calculated for the 2012-13 school year?

The graduation rate for SY 2012-13, for Idaho schools and districts, was calculated by taking the number of graduates for the current school year (2012-13), divided by the number high school graduates for the school year, plus the number of dropouts in the past four years (2009-10 through 2012-13); see equation below.

# of graduates at the end of the 12-13 school year

# of high school graduates + the # of student dropouts in the past 4 years (2009-10 through 2012-13)

#### Can the Adjusted Cohort Graduation Rate be compared with historical calculations?

No; please be aware that historical district and/or school graduation rates cannot be compared with the 2013-14 adjusted cohort graduation rate for the following reasons:

- There was a drastic change in calculation from the old equation to the adjusted cohort graduation rate calculation, which may cause a false inflation in non-graduates. With this change:

- Students who graduate with a GED now count as non-graduates with their adjusted cohort, instead of being removed from the equation altogether.
- Students who graduate at a date beyond their cohort are now counted as non-graduates with their adjusted cohort, instead of being removed from the equation until they graduate. These students may be counted in an extended graduation rate in the future.
- Students who are in a special education program and graduate through an adapted program are now counted as non-graduates with their cohort.
- A gradual increase in required documentation to prove that a student was either a transfer, emigrant, or deceased.

***Please Note:*** These changes have occurred due to new federal guidance and cannot be disputed when calculating the adjusted cohort graduation rate. However, future Accountability Committee decisions will determine how an extended graduation rate may be utilized to account for those students who are on an extended graduation plan, for State Accountability purposes.



## Assessment & Accountability Contact List

<b>Title</b>	<b>Test</b>	<b>Contact Name</b>	<b>Email</b>	<b>Extension</b>
<b><i>Assessment &amp; Accountability Director</i></b>	<ul style="list-style-type: none"> <li>• All Assessment &amp; Accountability questions</li> <li>• ESEA Waiver</li> </ul>	Angela Hemingway	<a href="mailto:ahemingway@">ahemingway@</a>	6976
<b><i>Comprehensive Assessment Coordinator</i></b>	<ul style="list-style-type: none"> <li>• ISAT by Smarter Balanced</li> <li>• TIDE, TDS, ORS</li> <li>• Interim Assessment</li> <li>• Formative Assessment</li> <li>• Digital Library</li> <li>• Edmodo</li> </ul>	Nancy Thomas Price	<a href="mailto:nthomasprice@">nthomasprice@</a>	6988
<b><i>Statistician/Research Analyst</i></b>	<ul style="list-style-type: none"> <li>• Non-Fiscal Federal Reports</li> <li>• Growth Model</li> <li>• Accountability</li> <li>• Test Security</li> </ul>	Ayaka Nukui	<a href="mailto:anukui@">anukui@</a>	6926
<b><i>Special Education Statewide Assessment Coordinator</i></b>	<ul style="list-style-type: none"> <li>• NCSC Assessment</li> <li>• ISAT Science Alt.</li> <li>• IPASS Portfolios</li> <li>• Testing Accommodations</li> <li>• Alt. Assessment participation requirement</li> <li>• IEP Accommodations &amp; assessment questions</li> <li>• IRI Alt.</li> </ul>	Toni Wheeler	<a href="mailto:tcwheeler@">tcwheeler@</a>	6957
<b><i>Program Specialist</i></b>	<ul style="list-style-type: none"> <li>• Support to Director</li> <li>• ISAT Science Retakes</li> <li>• End of Course (EOC)</li> </ul>	Cathy Salas	<a href="mailto:csalas@">csalas@</a>	6909
<b><i>Assessment Specialist</i></b>	<ul style="list-style-type: none"> <li>• Idaho Reading Indicator</li> <li>• Extended Reading Intervention</li> <li>• Assessment Newsletter</li> <li>• Assessment Monitoring</li> <li>• Participation Appeals</li> </ul>	Stephanie Lee	<a href="mailto:slee@">slee@</a>	6903
<b><i>National &amp; International Assessment Coordinator</i></b>	<ul style="list-style-type: none"> <li>• NAEP Assessment</li> <li>• TIMSS</li> <li>• PISA</li> <li>• PIRLS</li> </ul>	Karlynn Laraway	<a href="mailto:klaraway@">klaraway@</a>	6824
<b><i>English Proficiency &amp; College Assessment Coordinator</i></b>	<ul style="list-style-type: none"> <li>• IELA Assessment</li> <li>• WIDA</li> <li>• ASSETS</li> <li>• PSAT</li> <li>• SAT</li> <li>• ACCUPLACER</li> <li>• Graduation Rates</li> <li>• Middle School Credit System</li> <li>• Human Trafficking</li> </ul>	Nichole Hall	<a href="mailto:nhall@">nhall@</a>	6933

## Glossary

**Achievement Standards** - “below basic,” “basic,” “proficient,” and “advanced” achievement levels on the Idaho Standards Achievement Tests (ISAT) and “beginning,” “advanced beginning,” “intermediate,” “early fluent” and “fluent” on the Idaho English Language Assessment (IELA) by setting scale score cut points. These cut scores are paired with descriptions of how well students are mastering the material in the content standards. These descriptions are called performance level descriptors or PLDs, and are provided by performance level, by content area, and by grade.

**All Students** - All students means all public school students, grades K-12.

**Alternative Assessment (Other Ways of Testing)** - Any type of assessment in which students create a response to a question rather than choose a response from a given list, as with multiple-choice or true/false. Alternative assessments can include short-answer questions, essays, oral presentations, exhibitions, and portfolios.

**Assessment** - The process of quantifying, describing, or gathering information about skills, knowledge or performance. (4-5-00)

**Assessment Standards** - Statements setting forth guidelines for evaluating student work, as in the “Standards for the Assessment of Reading and Writing.”

**Content Standards** - Describe the knowledge, concepts, and skills that students are expected to acquire at each grade level in each content area.

**Context (of a Performance Assessment)** - The surrounding circumstances within which the performance is embedded. For example, problem solving can be assessed in the context of a specific subject (such as mathematics) or in the context of a real-life laboratory problem requiring the use of mathematics, scientific, and communication skills.

**Decode** - **a.** To analyze spoken or graphic symbols of a familiar language to ascertain their intended meaning. **b.** To change communication signals into messages, as to decode body language.

**Emergent Literacy** - Development of the association of print with meaning that begins early in a child’s life and continues until the child reaches the stage of conventional reading and writing.

**Entry-Level Skills** - The minimum education and skill qualifications necessary for obtaining and keeping a specific job; the starting point in a particular occupation or with a certain employer.

**Evaluation (Student)** - Judgment regarding the quality, value, or worth of a response, product, or performance based on established criteria, derived from multiple sources of information. Student evaluation and student assessment are often used interchangeably.

**Fluency** - The clear, rapid, and easy expression of ideas in writing or speaking; movements that flow smoothly, easily, and readily.

**Formative Assessment** - refers to a wide variety of methods that teachers use to conduct in-process evaluations of student comprehension, learning needs, and academic progress during a lesson, unit, or course. Formative assessments help teachers identify concepts that students are struggling to understand, skills they are having difficulty acquiring, or learning standards they have not yet achieved so that adjustments can be made to lessons, instructional techniques, and academic support.

**Genre (Types of Literature)** - A category used to classify literary and other works, usually by form, technique, or content. Categories of fiction such as mystery, science fiction, romance, or adventure are considered genres.

**Interim Assessments** - is a form of assessment that educators use to (1) evaluate where students are in their learning progress and (2) determine whether they are on track to performing well on future assessments, such as standardized tests or end-of-course exams. Interim assessments are usually administered periodically during a course or school year (for example, every six or eight weeks) and separately from the process of instructing students.

**Norm-Referenced Assessment** - Comparing a student’s performance or test result to performance of other similar groups of students; (e.g., he typed better than eighty percent (80%) of his classmates.)

**On-Demand Assessment** - Assessment that takes place at a predetermined time and place. Quizzes, state tests, SATs, and most final exams are examples of on-demand assessment.

**Performance Assessment** - Direct observation of student performance or student work and professional judgment of the quality of that performance. Good quality performance assessment has pre-established performance criteria.

**Performance-Based Assessment** - The measurement of educational achievement by tasks that are similar or identical to those that are required in the instructional environment, as in performance assessment tasks, exhibitions, or projects, or in work that is assembled over time into portfolio collections. (4-5-00)

**Phonics** - Generally used to refer to the system of sound-letter relationships used in reading and writing. Phonics begins with the understanding that each letter (or grapheme) of the English alphabet stands for one (1) or more sounds (or phonemes).

**Portfolio** - A collection of materials that documents and demonstrates a student's academic and work-based learning. Although there is no standard format for a portfolio, it typically includes many forms of information that exhibit the student's knowledge, skills, and interests. By building a portfolio, students can recognize their own growth and learn to take increased responsibility for their education. Teachers, mentors, and employers can use portfolios for assessment purposes and to record educational outcomes.

**Print Awareness** - In emergent literacy, a learner's growing awareness of print as a system of meaning, distinct from speech and visual modes of representation.

**Proficiency** - Having or demonstrating a high degree of knowledge or skill in a particular area.

**Standards** - Statements about what is valued in a given field, such as English language arts, and/or descriptions of what is considered quality work. See content standards, assessment standards, and achievement standards.

**Standardization** - A set of consistent procedures for constructing, administering and scoring an assessment. The goal of standardization is to ensure that all students are assessed under uniform conditions so the interpretation of performance is comparable and not influenced by differing conditions. Standardization is an important consideration if comparisons are to be made between scores of different individuals or groups.

**Standards-Based Education** - Schooling based on defined knowledge and skills that students must attain in different subjects, coupled with an assessment system that measures their progress.

**Summative Assessment** - are used to evaluate student learning, skill acquisition, and academic achievement at the conclusion of a defined instructional period—typically at the end of a project, unit, course, semester, program, or school year.

**Unique Student Identifier** - A number issued and assigned by the State Department of Education to each student currently enrolled or who will be enrolled in an Idaho local education agency to obtain data.

**Word Recognition** - **a.** The quick and easy identification of the form, pronunciation, and appropriate meaning of a word previously met in print or writing; **b.** The process of determining the pronunciation and some degree of meaning of a word in written or printed form.



STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL  
LAWRENCE G. WASDEN

May 3, 2013

*Delivered via Electronic and Statehouse Mail*

Tom Luna  
Superintendent of Public Instruction  
STATE DEPARTMENT OF EDUCATION  
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RE: Parental Consent for Student Data in the State Longitudinal Data System  
and  
School District Compliance with State Academic Standards

Dear Superintendent Luna:

This letter is in response to your request of April 25, 2013, for a written legal analysis from this office on the following questions:

1. *Can a parent refuse to allow their child to be included in the state's longitudinal data system?*
2. *Can a district refuse to implement academic standards set by the state of Idaho?*

With respect to the state's longitudinal data system (SLDS), this analysis presupposes the student information included in the SLDS is collected for purposes of auditing and/or evaluating various state and federal programs administered by the State Department of Education (SDE), or the State Board of Education (SBOE). With respect to Idaho's academic standards, there are no relevant presuppositions for purposes of this analysis.

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**1. Parents do not have the authority to prevent public school districts from entering student information in the SLDS for purposes of auditing or evaluating state or federal programs.<sup>1</sup>**

The Family Educational Rights and Privacy Act (FERPA) is federal law that, among other things, requires state education agencies and institutions<sup>2</sup> to protect personally identifiable information in student education records. 20 U.S.C. § 1232g(a) and (b). FERPA specifically allows educational agencies or institutions to disclose personally identifiable student information to state and local educational authorities, without parental consent. 34 C.F.R. §§ 99.31(a)(3)(iv). Specifically, FERPA allows educational agencies or institutions to disclose personally identifiable student information to state and local educational authorities, without parental consent, so long as the disclosure is “in connection with an audit or evaluation of Federal or State supported education programs”. 34 C.F.R. §§ 99.31 and 99.35. Notably, FERPA defines personally identifiable information to include:

- (a) The student's name;
- (b) The name of the student's parent or other family members;
- (c) The address of the student or student's family;
- (d) A personal identifier, such as the student's social security number, student number, or biometric record;
- (e) Other indirect identifiers, such as the student's date of birth, place of birth and mother's maiden name;
- (f) Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or

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<sup>1</sup> For purposes of this analysis, the term “parent” includes legal guardians.

<sup>2</sup> Under FERPA, an educational agency or institution includes any public or private agency or institution receiving federal funds for any education program. 34 C.F.R. §§99.1 and 99.3. All Idaho public schools, including charter schools, meet the definition of an educational agency or institution.

- (g) Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

34 C.F.R. § 99.3. As stated, this analysis presupposes that the student information included in the SLDS is collected for purposes of auditing and/or evaluating various state and federal programs administered by the SDE or SBOE. Thus, so long as the student information included in the SLDS is collected for purposes of auditing or evaluating state or federal programs, parents have no authority under FERPA, or any other federal or state law, to prevent school districts from entering such information in the SLDS.

**2. Public school districts cannot refuse to implement the minimum academic standards established by the State Board of Education.**

The Idaho Constitution provides "... it shall be the duty of the legislature of Idaho, to establish and maintain a general, uniform and thorough system of public, free common schools. Article IX, Section 1. The Idaho Constitution also provides that the "general supervision of the state education institutions and public school system of the state of Idaho, shall be vested in the state board of education". Article IX, Section 2 (emphasis added).<sup>3</sup> As part of its supervision of public schools, the SBOE is required to "prescribe the minimum courses to be taught in all public elementary and secondary schools, and shall cause to be prepared and issued, such syllabi, study guides and other instructional aids as the board shall from time to time deem necessary". I.C. § 33-118. Additionally, the SBOE is required to promulgate rules "to establish a thorough system of public schools with uniformity as required by the constitution..." I.C. § 33-1612.

Of the various rules promulgated by the SBOE, the dispositive rule for purposes of this analysis provides in pertinent part as follows:

The standards set forth in Section 004 of this rule [08.02.03.004] are state content standards that **shall be the minimum standards used by every school district in the state in order to establish a level of academic content necessary to graduate from Idaho's public schools**. Each school district may set standards more rigorous than these state content standards but **no district shall use any standards less rigorous than those set forth in these Thoroughness rules**.

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<sup>3</sup> See also Idaho Code § 33-116 ("All school districts in Idaho, including specially chartered school districts, shall be under the supervision and control of the state board").

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IDAPA 08.02.03.200 (emphasis added). Consequently, public school districts cannot refuse to implement the minimum standards established by the SBOE, but may go beyond such established minimums if the district desires to establish a more rigorous set of standards.

I hope that you find this analysis helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew J. Snook", written in a cursive style.

ANDREW J. SNOOK  
Deputy Attorney General

cc: Luci Willits, SDE Chief of Staff (via email)